

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES,
LOCAL 494 (GOLIATH PRODUCTIONS
PUERTO RICO, LLC)**

and

Case 24-CB-2705

VICTOR GONZALEZ

ORDER¹

The Petition to Revoke Subpoena Duces Tecum B-579172 filed by International Alliance of Theatrical Stage Employees, Local 494 is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. To the extent that the subpoena requests dues information for all Union members from January 2007 to the present, the Petitioner may alternatively produce documents showing dues, initiation fees, and work assessments for any Union represented employees working on the productions on which Victor Gonzalez was employed beginning January 2007 to the present. The Petitioner has failed to establish any other legal basis for revoking the subpoena. See

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).²

Dated, Washington D.C., May 7, 2010.

WILMA B. LIEBMAN,	CHAIRMAN
PETER C. SCHAUMBER,	MEMBER
CRAIG BECKER,	MEMBER

² To the extent that the Petitioner has already provided the requested documents, the Petitioner is not required to provide duplicates of documents that it has already given the Region.

The Petitioner argues that subpoena paragraph 3 should be revoked because it seeks documents that do not exist, and it is not required to create any documents in response to this request. Paragraph 3 seeks “[t]hose documents showing the process followed when the Union requests the discharge of an employee for failing to pay financial obligation [sic] to the Union.” Although we agree that the Petitioner is not required to create responsive documents, we find that the subpoena request is properly directed to any existing documents relevant to the implementation of the procedure in place for requesting the discharge of an employee for failing to fulfill financial obligations to the Union. Accordingly, the request seeks responsive documents in addition to the constitution, by-laws, and collective-bargaining agreement that the Union has already produced, such as communications to employees or members, or internal memoranda. If such documents exist, the Union should produce them, and if not, the Union should clearly state that no additional responsive documents exist.